



S/N 09/688,221

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heller et al. *668,221* Examiner: L. Leary
Serial No.: 09/688,221 Group Art Unit: 1623
Filed: September 22, 2000 Docket No.: 12008.6USC6
Title: SUBCUTANEOUS GLUCOSE ELECTRODE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 19, 2001.

03/26/2001 FFANAEIA 00000048 09688221

01 FC:148

110.00 OP

John Lindman

John Lindman

TERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents

Adjustment date: Washington, D.C. 20231

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Dear Sir:

TheraSense, Inc. is a corporation organized and existing under the laws of the State of California and having its primary place of business at 1360 South Loop Road, Alameda, California 94502, and is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/688,221, filed on September 22, 2000 and entitled Subcutaneous Glucose Electrode.

TheraSense, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,121,009 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S.

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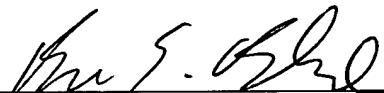
Patent No. 6,121,009, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, TheraSense, Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,121,009, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record and is signing in accordance with 37 C.F.R. §1.321(b)(1)(iv).

Date: March 19, 2001

By: _____



Bruce E. Black

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